

Message Text

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ORIGIN ARA-03

INFO OCT-01 ISO-00 /004 R

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DRAFTED BY: ARA:DWCOX

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P 242159Z MAY 75

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO PRIORITY

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FOR ASSIST. SEC ROGERS

FOLLOWING REPEAT STATE 121309 ACTION LIMA INFO QUITO

BUENOS AIRES SANTIAGO BOGOTA LA PAZ

ASUNCION RIO DE JANEIRO BRASILIA

DTD 23 MAY

QTE

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E.O. 11652: N/A

TAGS: EAIR, PE

SUBJECT: CIVAIR DISPUTE WITH PERU

1. ON MAY 23, PRESIDENT SENT FOLLOWING LETTER TO CHAIRMAN,
CAB:

"I HAVE DECIDED TO WITHDRAW MY STAY OF THE BOARD'S PROPOSED
ORDER IN THE MATTER OF THE EXISTING SCHEDULES FOR AEROPERU
IN DOCKET 27158. I TAKE THIS ACTION WITH RELUCTANCE, BUT
ON ADVICE THAT ATTEMPTS TO REACH A NEGOTIATED SOLUTION WITH
PERU HAVE SO FAR NOT BEEN SUCCESSFUL, DESPITE A FULLY
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ADEQUATE PERIOD OF TIME FOR SUCH NEGOTIATIONS.

I WILL ADVISE THE BOARD SHOULD SUBSEQUENT DEVELOPMENTS
WARRANT RECONSIDERATION OF THE FOREGOING DECISION."

2. CAB WILL ISSUE ORDER ON MAY 27 DISAPPROVING ALL BUT ONE OF AEROPERU'S SEVEN FLIGHTS PER WEEK AT MIAMI EFFECTIVE IN 30 DAYS. FULL TEXT OF ORDER BEING SENT SEPTTEL.

3. EMBASSY SHOULD, THEREFORE, ON MAY 27 DELIVER FOLLOWING NOTE TO GOP:

"THE USG HAS REVIEWED THE RESULTS OF THE AIRLINE DISCUSSIONS WHICH WERE HELD AT THE URGING OF THE GOP AND HAS CONCLUDED THAT THE FINAL OFFER OF AEROPERU, WHICH PRESUMABLY HAD THE APPROVAL OF THE GOP, CANNOT FORM A BASIS FOR AN ACCEPTABLE SOLUTION OF THE AVIATION ISSUE. THE AEROPERU OFFER WOULD NOT PERMIT BRANIFF TO OPERATE SERVICES ON A COMMERCIALY VIABLE BASIS.

IT IS THE VIEW OF MY GOVERNMENT THAT IT HAS ALLOWED AMPLE TIME FOR THE AIRLINES TO DEVELOP A BASIS FOR A SOLUTION, AS YOUR GOVERNMENT REQUESTED, AND THAT THE USG CAN NO LONGER DEFER TAKING STEPS LOOKING TO THE PROTECTION OF ITS OWN INTERESTS. THE USG CANNOT ACCEPT FURTHER CONTINUATION OF THE CURRENT SITUATION IN WHICH THE U.S. AIRLINE HAS BEEN UNILATERALLY RESTRICTED BY PERU IN VIOLATION OF THE AIR TRANSPORT AGREEMENT WHILE THE PERUVIAN AIRLINE OPERATES WITHOUT RESTRICTIONS. ACCORDINGLY, THE PRESIDENT IS WITHDRAWING HIS STAY OF AN ORDER OF THE CIVIL AERONAUTICS BOARD WHICH WILL IMPOSE, IN THIRTY DAYS, LIMITATIONS ON THE OPERATIONS OF AEROPERU, UNLESS A NEGOTIATED SOLUTION IS REACHED.

THE USG CONTINUES TO DESIRE A NEGOTIATED SOLUTION OF THIS MATTER AND, TO THIS END, IS PREPARED TO RESUME FORMAL INTERGOVERNMENTAL NEGOTIATIONS AS SOON AS POSSIBLE IN WASHINGTON."

4. EMBASSY MAY ALSO WISH TO PROVIDE PERUVIAN AUTHORITIES WITH TEXT OF PRESIDENT'S LETTER AND CAB ORDER.

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5. AEROPERU'S U.S. ATTORNEY HAS BEEN INFORMALLY ADVISED BY CAB THAT PRESIDENT HAS WITHDRAWN STAY AND DEPTOFF HAS ALSO ADVISED PERU EMBASSY. INGERSOLL
UNQTE KISSINGER

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<< END OF DOCUMENT >>

Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIR SCHEDULES, AVIATION AGREEMENTS, DISPUTES
Control Number: n/a
Copy: SINGLE
Draft Date: 24 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: johnsorg
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE121309
Document Source: ADS
Document Unique ID: 00
Drafter: ARA:DWCOX
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750183-1123
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197505103/baaaakqp.tel
Line Count: 103
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: johnsorg
Review Comment: n/a
Review Content Flags:
Review Date: 16 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <16 JUL 2003 by KelleyW0>; APPROVED <18 NOV 2003 by johnsorg>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> jms 971014
Subject: n/a
TAGS: EAIR, PE, US, AEROPERU, BRANIFF, CAB
To: TOKYO
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006